

Resolution of the Demarest Governing Body

Resolution No. 045-25

February 10, 2025

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang			✓			
Fox						✓
Marks			✓			
Slowikowski	✓		✓			
Reiss			✓			
Collins		✓	✓			

TITLE: RESOLUTION APPROVING SOIL MOVING PERMIT FOR 97 PROSPECT AVE.

BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Soil Moving Application and Soil Erosion Control Plan for 97 Prospect Ave. Block 33, Lot 38 prepared by Sean McClellan, P.E., is hereby approved subject to the following conditions:

1. No topsoil shall be removed from the site.
2. The applicant shall indicate the location to which excess soil will be exported.
3. The applicant shall indicate the route of travel within the Borough.
4. The applicant shall provide for the cleaning of the streets used in the route of travel within the Borough.
5. The applicant shall provide the name of the person responsible for the soil movement.
6. The applicant shall be responsible for any damage done to Borough streets during the soil removal process.
7. The applicant shall ensure that the site is maintained in a safe and secure manner.
8. The applicant shall deposit, with the Borough, escrow in the amount of \$734.60 for inspection services of the Borough Engineer.
9. The applicant shall provide a performance guarantee to the Borough in the amount of \$17,630.40


Mayor Brian Bernstein

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 10, 2025


Julie Falkenstern, Acting Borough Clerk

February 5, 2025

Dot Haight
Building Department
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

97 Prospect Avenue
Block 33, Lot 38
Borough of Demarest, Bergen County, NJ
Soil Moving Application Review – Proposed Dwelling
Colliers Engineering & Design Project No. DEP0219

Dear Ms. Haight,

Pursuant to your request, our office has reviewed the following plans and other documents filed by the Applicant in support of a soil moving application in relation to the construction a new two-story dwelling, vinyl fence, walkway, macadam driveway, drainage improvements, and other related improvements on the property:

- a) Site plans consisting of one (1) sheet, prepared by Sean P. McClellan, PE, of McCellan Engineering, dated November 14, 2024, last revised January 28, 2025.
- b) Architectural Plans consisting of eleven (11) sheets, prepared and signed by Linda Del Nobile, AI, of Del Nobile Designs, dated January 22, 2025.
- c) Bonding estimate prepared by Sean P. McClellan, PE, of McCellan Engineering, dated January 24, 2025.
- d) Soil Moving Application for the subject property, signed and dated January 23, 2025.

After our review of these documents, we offer the following comments in this matter:

General

1. The Applicant/Owner in this matter is:

New Luxury Homes LLC
c/o Arben Dekaj
P.O Box 182
Demarest, NJ 07627

The Applicant/Owner shall notify the Borough of Demarest Building Department of any changes to the above information.

2. The site is currently occupied by an existing one-story dwelling, enclosed porch, macadam driveway, rear paver patio and other related improvements which are to be demolished. The

- Applicant is proposing to construct a new two-story dwelling, vinyl fence, walkway, macadam driveway, drainage improvements, and other related improvements on the property.
3. The project site is located in the Residence D Zone according to the Borough of Demarest Zoning Map, where the construction of a single-family dwelling is permitted.
 4. The project site is a rectangular shaped lot parcel consisting of 16,000 SF. The property has frontage along Prescott Street and is located to the north of Madison Avenue. Under proposed conditions, driveway access is provided on Prescott Street with the front of the dwelling facing Prescott Street. The property is located in Zone X (Areas outside the 0.2% chance annual floodplain) according to the FIRM map.
 5. The existing improved lot coverage indicated on the plans is 3,338 SF (20.9%) The proposed improved coverage is calculated to be 4,306 SF (26.9%) where a maximum of 30% is permitted in this zone. The net increase in coverage is 968 SF.

Site Plan

6. The Applicant is proposing two (2) precast concrete drywells to collect and store stormwater runoff on the property. We offer the following comments related to drainage design:
 - a. The Applicant has provided design calculations which indicate approximately 3,200 SF of roof area collected and conveyed to the proposed drywell. The Applicant has provided adequate storage for this drainage area. We take no exception to the calculations provided.
 - b. The Applicant shall be made aware that soil testing is required at the location of the proposed seepage pits. Soil testing should include the elevation of the Seasonal High-Water Table (SHWT) and the percolation rate of the soil. It shall be confirmed that the bottom of the seepage pit is at least two (2) feet above the SHWT. It is suggested that soil testing be performed before installation of the seepage pits.
 - c. The Applicant has provided an at-grade 6" PVC observation port cap for future maintenance in the seepage pit detail. We take no exception.
 - d. The Engineer shall be notified to inspect the seepage pit system prior to backfilling.
7. We offer the following comments related to the proposed grading:
 - a. Existing grades on site range from approximately 100 in the Northwestern corner of the property to approximately 95 in the Southeastern corner. Stormwater flows generally from flows away from the dwelling in a mostly perpendicular fashion. Existing drainage patterns appear to be maintained.
 - b. The Applicant is depicting minor regarding to construct the proposed improvements changes.
 - c. Grades should not be altered by more than one foot in areas within the drip line of any trees to remain.
8. It is noted that proposed improvements result in a building height of 30 feet which is the maximum building height for this zone.

9. An as-built survey with a coverage breakdown will be required prior to the issuance of a C.O.

Soil Moving Application

10. The soil moving application indicates approximately 683 CY of cut and 155 CY of fill and net export of 528 CY to move to construct the proposed improvements.

11. The Applicant will require a soil moving permit in accordance with Chapter 147 (§147-1) of the Borough Ordinance as the posted values of soil movement are greater than 250 cubic yards. As a result, the following provisions apply:

- a. As per Borough Ordinance Section 147-7, the Applicant shall move the soil, in accordance with the soil permit, under the supervision of the Building Inspector and Borough Engineer and shall pay a reasonable fee for such services in the amount determined by the Mayor and Council.
- b. As per Borough Ordinance Section 147-8, the owner of the premises or the person in charge of relocation of the soil, when permission has been duly granted, shall not take away the top layer of soil for a depth of eight inches, but such top layer of soil to a depth of eight inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been moved pursuant to levels of contour lines approved by the Mayor and Council of the Borough of Demarest.
- c. As per Borough Ordinance Section 147-9, no permission or soil permit shall be issued unless and until the Applicant therefore shall have filed with the Borough of Demarest a performance bond, in form, amount and surety acceptable to the Borough of Demarest, conditioned upon full and faithful performance of the soil's being moved in accordance with the provisions of the Borough's Soil Moving Ordinance and permission of the Mayor and Council granted pursuant hereto.
- a. An engineer's cost estimate has been submitted by the Applicant to determine the performance guaranty to be submitted to the Borough. The cost estimate for bonding should include all cost associated with soil erosion and sediment control measures, seepage pit installation, drainage structures / piping, and soil moving (on-site and export).

The Applicant has provided a cost estimate totaling \$14,692.00. We have reviewed the estimate and take no exception. Pursuant to Ordinance Chapter 147, the following shall be provided for the performance guarantee and engineering escrow:

- Performance Guarantee (120%): \$17,630.40
- Engineering Escrow: \$734.60

Miscellaneous

12. The Applicant is responsible for procuring all applicable federal, state, and county approvals necessary to complete the proposed improvements.

13. If drainage issues arise during or after construction, the Applicant will be responsible for remedying any drainage issues caused by the proposed construction and/or demolition activities. In addition, water runoff directed to neighboring properties is prohibited. If stormwater runoff does adversely impact neighboring properties, the Applicant will be responsible for remedying that situation at no additional cost to the Borough.
14. Sediment shall be removed from the upstream face of the silt fence when it has reached a depth of $\frac{1}{2}$ the silt fence height or when the silt fence is leaning or buckling from the collected sediment and debris. Silt fence shall be inspected daily for signs of deterioration and sediment removal. When damaged, the silt fence shall be repaired or replaced immediately. Soil erosion and sediment control measures, including silt fence, shall be installed prior to the start of construction.
15. The Applicant should place a silt fence downgrade on all areas where the existing ground disturbance will occur. In addition, the disturbed areas must be stabilized with seed and straw as soon as construction is completed. These recommendations/requirements are made to prevent sediment-laden water from entering municipal streets and neighboring properties.
16. The Applicant will inevitably mobilize construction equipment and/or will have deliveries of material from the Borough Right-of-Way, which could damage municipal infrastructure. Therefore, the Applicant will be responsible for any damages to the curb, sidewalk, drainage infrastructure, and/or pavement in the Borough's Right-of-Way.
17. A signed and sealed "As-Built" site plan should be submitted as a requirement for this office to "sign off" on the issuance of the Certificate of Occupancy (C.O.). The "As-Built" should accurately show site features, including grading, spot elevations, coverage quantities, etc.

Our office has reviewed the application, and based on the above, this office **does recommend** permits be issued at this time.

Should you have any questions, you may contact me at (201) 775-1283.

Sincerely,

Colliers Engineering & Design



Nick Chelius, P.E.
Borough Engineer

cc: Kevin Burnette, Construction Code Official (via e-mail)
Sean McClellan, PE, Applicant's Engineer
Linda Del Nobile, RA, Applicant's Architect
New Luxury Homes LLC, Applicant (enkeleta.dekaj@gmail.com)